

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION

IN RE:	)	
MEDex Regional Laboratories, LLC,	)	
	)	
Debtor.	)	
_____	)	
	)	
CHARLES MCRAE SHARPE, TRUSTEE,	)	
	)	
Plaintiff/Appellee,	)	
	)	
v.	)	No. 3:04-cv-438
	)	
PERSHING, YOAKLEY & ASSOCIATES,	)	
P.C.,	)	
	)	
Defendant/Appellant.	)	

**ORDER**

For the reasons stated in the memorandum opinion filed contemporaneously with this order, the bankruptcy court's August 6, 2004 denial [B.R. 74] of defendant/appellant's summary judgment motion [B.R. 52] is **VACATED** and **REMANDED** for reconsideration and/or clarification. It is further **ORDERED** that the bankruptcy court's August 19, 2004 order [B.R. 86] granting the Trustee's request for voluntary dismissal is **REVERSED**.

This adversary proceeding **SHALL** be timely reset on the bankruptcy court's trial docket. If the Trustee and/or his present appellate counsel intends to terminate their attorney/client relationship, the Trustee and/or his present appellate counsel **SHALL** move

for such relief in the bankruptcy court within ten days of the entry of this order. The scheduling order deadline for disclosure of expert testimony **SHALL** remain expired.

**IT IS SO ORDERED:**

ENTER:

s/ Leon Jordan  
United States District Judge